

Fact Sheet

Sixth Review of the 1970 Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs

Background

The operation of Colorado River reservoirs is governed by numerous statutes, compacts, decrees, and a treaty; collectively referred to as the “Law of the River.” Many of these mandates were individually formed and did not necessarily result in a seamless approach to river basin management. With the increase in competing demands on the river, the interaction of these mandates is continually being tested.

Section 602 of the 1968 Colorado River Basin Project Act (1968 Act) directed the preparation of a set of operating criteria for the Colorado River reservoir system. The 1970 Criteria for Coordinated Long-Range Operation of Colorado River Reservoirs (Operating Criteria) were prepared by a federal/state group in compliance with the 1968 Act. Until that time, no formal published guidelines for reservoir operation existed.

The Operating Criteria provide for the long-range operation of the dams¹ and reservoirs constructed and operated under the authority of the Colorado River Storage Project Act and the Boulder Canyon Project Act for the purposes of complying with and carrying out the provisions of the Colorado River Compact, the Upper Colorado River Basin Compact, and the Mexican Water Treaty.

The 1970 Operating Criteria specified that a formal review take place at least once every five years, sponsored by the Secretary of the Interior. This allows the Secretary, as a result of actual operating experience or unforeseen circumstances, to modify the Operating Criteria after consultation with governor-designated representatives of the seven Colorado River Basin states,² and other parties and agencies as the Secretary may deem appropriate. The review of the Operating Criteria provides a public process for evaluating how the components of the “Law of the River” interact, and how the Colorado River system should be managed consistent with existing statutes, treaties, compacts, and decrees.

Previous reviews of the Operating Criteria were initiated in 1975, 1980, 1985, 1990, and 1995. They resulted in no changes to the Operating Criteria. Prior to 1990, reviews were conducted primarily through meetings with and correspondence among representatives of the seven basin states and the Bureau of Reclamation. In 1990, through an active public involvement process, Reclamation expanded the review of the Operating Criteria to include

¹Dams constructed under the Colorado River Storage Project Act are Flaming Gorge, Crystal, Morrow Point, Blue Mesa, Navajo, and Glen Canyon Dams. Hoover Dam was constructed under the Boulder Canyon Project Act. Davis Dam was constructed under provisions of the Reclamation Project Act. Construction of Parker Dam was authorized under the River and Harbors Act.

²Utah, Wyoming, Colorado, New Mexico, Arizona, California, and Nevada.

all interested stakeholders and the general public. A team consisting of Reclamation staff from Denver, Colorado; Salt Lake City, Utah; and Boulder City, Nevada, was organized to conduct the 1990 review. For the sixth review of the Operating Criteria, Reclamation staff from Boulder City, Nevada, and Salt Lake City, Utah, will follow the same public process.

Provisions of the 1968 Colorado River Basin Project Act

Some of the controlling provisions of the “Law of the River” include the Upper Basin delivery of a minimum of 75 million acre-feet each ten years to the Lower Basin (as specified in the Colorado River Compact), the Mexican Treaty obligation of 1.5 million acre-feet annually, and the requirements of Section 602(a) of the 1968 Act requiring, under certain circumstances, that storage equalization releases be made from Lake Powell to Lake Mead.

The Operating Criteria primarily reflect Section 602 of the 1968 Colorado River Basin Project Act, allow for the additional provision of a minimum objective annual release from Lake Powell of 8.23 million acre-feet, and establish a balance between the uses in the Upper and Lower Basins. The 1968 Act contains several new constraints on the operation of Glen Canyon Dam that form the basis for this balance. These constraints are the mechanism and conditions for the release to the Lower Basin of water in excess of Upper Basin needs. They include the minimum objective release, the minimum Lake Powell storage level under which equalization would occur (an insurance against Upper Basin shortages), and spill avoidance (designed to avoid powerplant bypasses).

The Operating Criteria established in 1970 have remained intact since that time despite controversies surrounding the minimum objective release from Lake Powell, surplus and shortage guidelines, and 602(a) storage. It is important to note that each of these individual issues in the “Law of the River” is intertwined with other provisions. The balance of consumptive use benefits between basins and individual states results from these intertwined provisions.

Since the last review of the Operating Criteria, however, an environmental impact statement was prepared by Reclamation to develop surplus guidelines. The Record of Decision on Colorado River Interim Surplus Guidelines Final Environmental Impact Statement, signed by the Secretary of the Interior in January 2001, adds specificity to the Operating Criteria with respect to how surplus determinations are made to the Lower Basin states of Arizona, California, and Nevada through the year 2016. The Record of Decision on Colorado River Interim Surplus Guidelines is available at:

http://www.lc.usbr.gov/g4000/surplus/surplus_rod_final.pdf.

Role of the Annual Operating Plan and its Relationship to the Operating Criteria

The Operating Criteria form the rules by which the Colorado River reservoir system is operated. The Annual Operating Plan (AOP) is prepared using the rules contained in the Operating Criteria. Each year an AOP is prepared which guides the operations of the reservoirs for the upcoming year. It is prepared in a public process with input from all interested parties for issuance in the fall of each year by the Secretary of the Interior.

The types of decisions made in preparing the AOP include monthly and annual release patterns and reservoir storage levels for Colorado River reservoirs. The plan evaluates such things as the risk of spills, surplus and shortage conditions, and Upper Basin 602(a) storage.

The Fifth Review of the Operating Criteria

During the fifth review of the Operating Criteria which commenced in 1995, Reclamation used *Federal Register* notices, press releases, letters, and public consultation meetings to explain the nature of the existing Operating Criteria, solicit comments on Operating Criteria provisions that may need revision as the result of actual operating experience, and present the results of the analysis.

At the conclusion of the fifth review, Reclamation found no basis to change the existing Operating Criteria. The fifth review came to a close with a Secretarial letter issued on February 18, 1998, to the Governors of the seven basin states announcing Secretary Babbitt's decision and a Notice of Final Decision Regarding the Operating Criteria published in the *Federal Register* on February 24, 1998.

Scope of the Sixth Review of the Operating Criteria

A critical factor in this review is the scope (depth and breadth) of the analysis, which includes both procedural and spatial issues. Procedural issues refer to which operating parameters are considered, while spatial issues refer to which reservoirs are considered.

The following table lists typical operating parameters associated with three levels of guidelines:

Hourly/Daily	Monthly	Annual
Minimum releases	Target storages	Surplus, normal, shortage determinations
Fluctuation constraints	Monthly release patterns	Minimum annual releases
Powerplant bypasses	Risk of spills	Reservoir equalization
Maximum releases		Water banking and exchanges
		Native American water rights

Section 602(a) of the Colorado River Basin Project Act discusses various operating parameters for Lake Powell, addressing both deliveries under the Colorado River Compact and Mexican Water Treaty, and the delivery of water not required for Upper Basin uses. With the exception of a minimum objective release of 8.23 million acre-feet from Lake Powell, the Operating Criteria prepared in 1970 contained little more than a restatement of Section 602(a).

Alternatives or options to the existing Operating Criteria are possible for operational parameters not specified in the "Law of the River." The following operational parameters are currently defined by statute, treaty, decree, or compact. Therefore, they will not be

considered in the scope of this review:

Upper Basin/Lower Basin water allocations	1922 Colorado River Compact
Mexican Treaty obligations	1944 Mexican Water Treaty
Upper Basin/Lower Basin state allocations	1964 Decree (Arizona v. California) 1948 Upper Colorado River Basin Compact
Lake Powell equalization provisions	1968 Colorado River Basin Project Act
Avoid anticipated spills	1968 Colorado River Basin Project Act
Lake Powell delivery of 75 million acre-feet/10 years	1922 Colorado River Compact
Upper Basin supplies one-half of Mexican Treaty deficiency	1968 Colorado River Basin Project Act
Parameters used in Section 602(a) storage determination	1968 Colorado River Basin Project Act
Protection and enhancement of Grand Canyon resources	1992 Grand Canyon Protection Act

The following operational parameters are not currently constrained by statute, treaty, decree, or compact, but have been defined only in the Operating Criteria, by Record of Decision, or not yet explicitly defined. These parameters may be considered within the scope of this review, but some may be better addressed in the AOP or on an individual basis:

Specific minimum annual release from Glen Canyon Dam	Defined only by the Operating Criteria
Surplus determination ³	2001 Record of Decision on Colorado River Interim Surplus Guidelines Final Environmental Impact Statement
Shortage determinations	Not yet explicitly defined
Actual determination of 602(a) storage level	Not yet explicitly defined
Minimum reservoir pool levels (depth of drawdown)	Not yet explicitly defined

Public Participation in the Sixth Review of the Operating Criteria

A notice announcing the sixth review of the Operating Criteria and soliciting public comment on whether or not to make changes was published in the *Federal Register*

³The Record of Decision, Colorado River Interim Surplus Guidelines Final Environmental Impact Statement (Interim Surplus Guidelines) states that five-year reviews of the Interim Surplus Guidelines may be conducted and if so, such reviews would be coordinated with the Operating Criteria review. The Interim Surplus Guidelines were signed on January 16, 2001, became effective February 2001, and were applied in 2002. At this time, there is no need for a review of the Interim Surplus Guidelines.

on January 15, 2002. The notice asked that all comments be received no later than March 18, 2002. A second *Federal Register* notice was published on March 6, 2002, extending the comment period to March 29, 2002. A letter was then sent to all interested parties, tribes, and stakeholders on March 7, 2002, that included copies of both *Federal Register* notices and the 1970 Operating Criteria.

Detailed written comments were received from 16 interested parties providing Reclamation with numerous issues, comments, and concerns regarding possible changes to the Operating Criteria. Reclamation is now in the process of analyzing the comments received and providing responses to them. Reclamation will be conducting a public consultation meeting for this review in September of 2002. At that time, members of the review team will be available to discuss the comments and Reclamation’s analyses and responses to the key issues and to receive any additional input from the public regarding the analyses and responses. In addition to the public consultation meeting, Reclamation will be extending a final comment period for the review. Notification of the public consultation meeting and final comment period will be announced in the *Federal Register*.

According to the 1968 Colorado River Basin Project Act, the purpose of the Operating Criteria review is to determine if, “as a result of actual operating experience or unforeseen circumstances . . .”, the Operating Criteria should be modified to better accomplish the purposes of the two basin compacts⁴ and the 1944 Mexican Water Treaty. The public involvement process is designed to gather input about this issue. The various public viewpoints expressed during the review process will be considered in determining if a change to the Operating Criteria is warranted. Any resulting proposed federal action will be evaluated by Reclamation to determine the applicability of National Environmental Policy Act⁵ compliance.

For additional information on the sixth review of the Operating Criteria, please visit our website at www.lc.usbr.gov/g4000/lroc.

Timeline for the Review Process

The following table includes timeframes and tasks to be completed:

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⁴The 1922 Colorado River Compact and the 1948 Upper Colorado River Basin Compact.

⁵The National Environmental Policy Act was enacted in 1969 and is the basic national charter for protection of the environment.

Completion Date	Task(s) To Be Completed
August 2002	Issue <i>Federal Register</i> notice containing public comments and Reclamation responses and notification of upcoming public consultation meeting and final comment period
September 2002	Public consultation meeting to re-consult with the public on possible revisions to the Operating Criteria
October 2002	End of comment period
November 2002	In-depth analysis of additional public comments on possible revisions to the Operating Criteria Draft Reclamation position
December 2002	<i>Federal Register</i> notice of Reclamation's proposed action
February 2003	Secretarial decision and <i>Federal Register</i> notice of final decision regarding the Operating Criteria

We Want to Hear From You

The Bureau of Reclamation would like to provide all interested stakeholders and the general public with the opportunity to take part in the sixth review of the Operating Criteria. Please send your questions or comments to either Jayne Harkins, Bureau of Reclamation, P.O. Box 61470, Boulder City, Nevada 89005, telephone (702) 293-8414 or Tom Ryan, Bureau of Reclamation, 125 South State Street, Salt Lake City, Utah 84138-1102, telephone (801) 524-3732. Comments can also be made by e-mail to LROC_Review@lc.usbr.gov.